

ATTORNEY'S DOCKET NO: C01104/70087

Receipt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kevin J. Dowling, Ian Lane Davis, George G. Mueller and Ihor A. Lys  
Serial No: 10/045,604  
Confirmation No: 3464  
Filed: October 23, 2001  
For: SYSTEMS AND METHODS FOR DIGITAL ENTERTAINMENT  
Examiner: Unassigned  
Art Unit: 2821

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to the Commissioner for Patents, Washington, D.C. 20231, on the 15th day of November, 2002.

  
Janine Michalski

BOX: OFFICE OF INITIAL PATENT EXAMINATION'S  
FILING RECEIPT CORRECTIONS  
COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing are the following documents:

- RESPONSE TO RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT
- COPY OF RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT
- COPY OF RESPONSE TO THE NOTICE TO FILE MISSING PARTS DATED JULY 11, 2002
- RETURN RECEIPT POSTCARD

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (617)720-3500, Boston, Massachusetts.

No fee is enclosed. If a fee is required, the balance may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

Kevin J. Dowling, et al., Applicants

By:

  
Joseph Teja, Jr., Reg. No. 45,157

Wolf, Greenfield & Sacks, P.C.

600 Atlantic Avenue

Boston, MA 02210

Tel. (617) 720-3500

Attorneys for Applicants

Docket No. C01104/70087

Dated: November 15, 2002

X (NDD)



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WASHINGTON, D.C. 20231

**RESPONSE TO**  
**RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT**

Sir/Madam:

On July 11, 2002, a Response to the Notice to File Missing Parts was filed in connection with the above-identified application, including a request to correct the filing receipt to address errors in the Domestic Priority Data. A copy of this Response is enclosed.

Applicants subsequently received a Response to Request for Corrected Filing Receipt dated November 5, 2002 (a copy of which is enclosed). This document indicated that the application(s) to which priority is claimed were filed over a year prior to the filing date of the above-identified application and that therefore the referenced application(s) allegedly cannot be claimed as domestic or foreign priority.

Applicants acknowledge that some of the references included in the priority claim include applications that were filed over a year prior to the filing date of the above-identified application. However, Applicants disagree that such applications cannot be included in a domestic or foreign priority claim.

In particular, the above-identified application claims priority as a continuation-in-part (CIP) of several co-pending non-provisional applications filed over a year prior to the filing date of the above-identified application. Additionally, the above-identified application claims priority to five provisional applications filed over a year prior to the filing date of the above-identified application, as follows:

60/071,281	12/17/1997
60/068,792	12/24/1997
60/078,861	03/20/1998
60/079,285	03/25/1998
60/090,920	06/26/1998

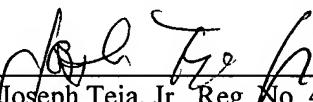
At least one of the co-pending non-provisional applications listed in the priority claim similarly is entitled to the benefit of these five provisional applications. Applicants respectfully point out the priority to these five provisional application is not being claimed pursuant to 35 U.S.C. §119, but rather pursuant to 35 U.S.C. §120.

If there are any questions regarding the foregoing, the Office of Initial Patent Examination is requested to contact the undersigned at the number listed below.

Favorable consideration is requested.

Respectfully submitted,

Kevin J. Dowling, et al., Applicants

By:   
Joseph Teja, Jr., Reg. No. 45,157  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210  
Tel. (617) 720-3500  
Attorneys for Applicants

Docket No. C01104/70087  
Dated: November 15, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, DC 20231  
www.uspto.gov

O I P E APPLICATION NUMBER 10/045,604 FILING DATE 10/23/2001 FIRST NAMED APPLICANT Kevin J. Dowling ATTY. DOCKET NO./TITLE C01104/70087 (JT)

NOV 19 2002

PATENT & TRADEMARK OFFICE  
23628

WOLF GREENFIELD & SACKS, PC  
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600 ATLANTIC AVENUE  
BOSTON, MA 02210-2211

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Annuities	<input type="checkbox"/>
Confirmation	<input type="checkbox"/>

11/05/2002

CONFIRMATION NO. 3464

Date Mailed: 11/05/2002

## RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

### Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- A claim for priority cannot be made based on an application filed after the application making the claim.
- Domestic benefit and foreign priority claims will not be captured in a provisional application.
- A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- Foreign priority will appear on the Filing Receipt in the following order:  
Country, Application number, Filing date.
- This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.
- The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority.

To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.

To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.

M. Stephens  
Customer Service Center  
Office of Initial Patent Examination  
(703) 308-1202